

U.S. Application No. 09/539,972
Attorney Docket No. 99-837 RCE 2
Customer No. 32,127

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REMARKS

In the Final Office Action¹ ("OA") mailed November 3, 2005, the Examiner rejected claims 1, 3, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,532,241 to Ferguson et al. ("Ferguson") in view of U.S. Patent No. 6,163,544 to Andersson et al. ("Andersson") and further in view of U.S. Patent No. 6,297,823 to Bharali et al. ("Bharali"); and rejected claims 4-8, 17, and 18 under 35 U.S.C. § 103(a) as unpatentable over Ferguson, Andersson, and Bharali as stated above, and further in view of U.S. Patent No. 5,926,463 to Ahearn et al. ("Ahearn"). The Examiner also rejected claims 1, 3-8, and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,940 to Allen et al. ("Allen") in view of Andersson and further in view of Bharali.

By this amendment, Applicants propose to amend claim 3 to correct a typographical error. Claims 1, 3-8, 16, and 17 remain pending in this application. In view of the following remarks, Applicants respectfully traverse the Examiner's rejections of the claims under 35 U.S.C. § 103(a).

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference or references as modified must teach or suggest all the claim elements. (See M.P.E.P. 2143.03 (8th ed. 2001)). Second, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

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reference teachings. (See M.P.E.P. 2143 (8th ed. 2001)). Third, a reasonable expectation of success must exist. Moreover, each of these requirement must "be found in the prior art, and not be based on applicant's disclosure." (M.P.E.P. 2143.03 (8th ed. 2001)).

Claim 1 recites a combination including, for example, "providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the selected customer record contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer, and wherein the actual circuit path information is used to generate a graphical representation of the heterogeneous network components spanning the customer and the specific service."

First, the Examiner rejected claims 1, 3, and 16 under 35 U.S.C. § 103(a) as unpatentable over *Ferguson* in view of *Andersson* and further in view of *Bharali*. With respect to claim 1, the Examiner admitted that *Ferguson* in view of *Andersson* does not teach or suggest a "customer record contain[ing] heterogeneous network components which support a specific service for the customer," as recited in claim 1. (OA at page 3.) Applicants agree. Accordingly, *Ferguson* in view of *Andersson* does not disclose, teach, or suggest "providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the selected customer record contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer, and wherein the actual circuit

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path information is used to generate a graphical representation of the heterogeneous network components spanning the customer and the specific service," as recited in claim 1.

The Examiner uses *Bharali* to allege a disclosure of a "customer record contain[ing] heterogeneous network components which support a specific service for the customer." (OA at pages 3-4.) Applicants respectfully disagree with the Examiner's assertion.

Bharali discloses a visualization tool which allows a user to visualize a network connection between a computer and a server. (*Bharali* col. 4, ll. 3-5.) The visualization tool in *Bharali* initiates gathering of network connectivity data, such as the distance (or number of hops) to a server, by sending a page request to a server. (*Bharali* col. 4, ll. 54-56; col. 4, ll. 64-66; col. 5, ll. 17-25; figs. 3 and 4.) However, the visualization tool in *Bharali* merely determines the number of hops between a computer and a server without determining or distinguishing the types of network components that span the computer and the server. (*Bharali* col. 6, ll. 13-56; figs. 2A, 2B, and 4.) Thus, *Bharali* does not teach or suggest a "selected customer record [that] contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer," as recited in claim 1. Therefore, *Bharali* fails to cure the deficiencies of *Ferguson* and *Andersson*, either taken separately or in combination.

Independent claims 3 and 16, although of different scope, include recitations similar to those of claim 1. Thus, they are allowable over *Ferguson* in view of

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Andersson and further in view of *Bharali*, for at least the reasons discussed above with respect to claim 1.

With regard to the Examiner's rejections of claims 4-8 and 17 under 35 U.S.C. 103(a) as unpatentable over *Ferguson* in view of *Andersson*, further in view of *Bharali*, and further in view of *Ahearn*, Applicants respectfully traverse these rejections as well.

Independent claim 17, although of different scope, includes recitations similar to those of claim 1, which, as discussed above, is not taught by *Ferguson*, *Andersson*, and *Bharali*, either taken separately or in combination. Applicants respectfully submit that *Ahearn* is not sufficient to overcome the deficiencies of *Ferguson*, *Andersson*, and *Bharali*. *Ahearn* discloses "a method and apparatus for viewing a configuration of a computer network" (*Ahearn* abstract). Devices in the network may be "graphically displayed according to physical connectivity and status." (*Ahearn* abstract.) A network supervisor may use the system to create an "IP view of a network" that "shows all of the devices and links between a particular workstation and a particular server." (*Ahearn* col. 6 lines 23-33; fig. 1.) However, merely displaying devices in a network does not teach or suggest "providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the selected customer record contains the actual circuit path information having network components associated with the selected customer record and the network components support a specific service for the customer, and wherein the actual circuit path information is used to generate a graphical representation of a customer path spanning the customer and the specific service," as recited in claim 17. Therefore, claim 17 is allowable not only for the

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reasons stated above with regard to claim 1, but also for its own additional features that distinguish it from *Ferguson, Andersson, Bharali, and Aheam*.

Moreover, dependent claims 4-8 are allowable not only for the reasons stated above with regard to their allowable base claim 3, but also for their own additional features that distinguish them from *Ferguson, Andersson, Bharali, and Aheam*.

Next, the Examiner rejected claims 1, 3-8, and 16-18 under 35 U.S.C. 103(a) as unpatentable over *Allen* in view of *Andersson* and further in view of *Bharali*. With respect to claim 1, the Examiner alleged that *Allen* discloses: "receiving identification data corresponding to a customer in a network, wherein the customer is an entity of a type selected from the group consisting of a natural person, a company, an organization, and an enterprise; accessing a database for one or more customer records corresponding to the customer identification data; receiving selection information identifying a selected one of the one or more customer records, wherein the selected customer record corresponds to the customer; and providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the actual circuit path information is used to generate a graphical representation of heterogeneous network components supporting a specific service for the customer." (OA at page 7.) Applicants respectfully disagree.

Allen discloses a graphical user interface ("GUI") for displaying communication circuits information and/or customer data information related to search criteria input by a user. (*Allen* abstract.) *Allen* provides the user the capability to, for example, enter "one of several options corresponding to the information known by the user" (*Allen* col. 20, lines 52-61; fig. 27) to generate a "display of SONET [synchronous optical network]

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layout." (*Allen* col. 20 line 61-col. 21 line 3; figs. 28 and 29.) However, the "display of SONET layout" in *Allen* does not constitute "a graphical representation of the heterogeneous network components spanning the customer and the specific service," as recited in claim 1. Therefore, *Allen* does not teach "providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the selected customer record contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer, and wherein the actual circuit path information is used to generate a graphical representation of the heterogeneous network components spanning the customer and the specific service," as recited in claim 1.

The Examiner uses *Andersson* to allege a disclosure of storing information according to a generic information model. As discussed above, *Andersson* does not teach or disclose "providing actual circuit path information," as recited in claim 1.

Furthermore, with respect to claim 1, the Examiner admitted that *Allen* in view of *Andersson* does not teach or suggest a "customer record contain[ing] heterogeneous network components which support a specific service for the customer," as recited in claim 1. (OA at page 8.) Applicants agree. Accordingly, *Allen* in view of *Andersson* does not disclose, teach, or suggest "providing actual circuit path information corresponding to a customer service based on the selected customer record, wherein the selected customer record contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer,

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and wherein the actual circuit path information is used to generate a graphical representation of the heterogeneous network components spanning the customer and the specific service," as recited in claim 1.

The Examiner uses *Bharali* to allege a disclosure of a "customer record contain[ing] heterogeneous network components which support a specific service for the customer." (OA at pages 8.) Applicants respectfully disagree with the Examiner's assertion. As discussed above, *Bharali* does not teach or suggest a "selected customer record [that] contains the actual circuit path information having heterogeneous network components associated with the selected customer record and the heterogeneous network components support a specific service for the customer," as recited in claim 1. Therefore, *Bharali* fails to cure the deficiencies of *Allen* and *Andersson*, either taken separately or in combination.

Because claims 3, 16, and 17 are independent claims with recitations similar to those of claim 1, they are allowable over *Allen* in view of *Andersson* and further in view of *Bharali*, for at least the reasons discussed above with respect to claim 1. Furthermore, dependent claims 4-8 are allowable not only for the reasons stated above with regard to their allowable base claim 3, but also for their own additional features that distinguish them from *Allen*, *Andersson*, and *Bharali*.

CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance. Applicants submit that the proposed amendments of the claims do not raise new issues

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or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

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In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 07-2347.

Respectfully submitted,

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Date: January 3, 2006

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